



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,842	11/19/2001	Charles Douglas Blewett	2001-0057	6013

7590

02/02/2006

S. H. DWORESTKY
AT&T CORP.
ROOM 2A-207
ONE AT&T WAY
BEDMINSTER, NJ 07921

EXAMINER

LEMMA, SAMSON B

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/991,842

Applicant(s)

BLEWETT ET AL.

Examiner

Samson B. Lemma

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-58.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO/A449) Paper No(s).
13. ☐ Other: _____.


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argued that the independent claims 1, 25 and 42 is not anticipated by the reference on the record namely Flint et al (U.S. Patent 6,453,419).

Applicant first argued that not a single reference was found of an element designated 46 on figure 2, and there is almost nothing in the reference that tells what network 46 is.

Examiner disagrees with the above argument and asserts that the Flint on column 2, lines 39-45, discloses the following, "Regions are defined and one or more networks is assigned to each region. In the example shown in FIG. 3, the regions are Sales Office, Worldwide Customer Service, Worldwide Sales, Secure 'DMZ' and R&D Network. R&D Network includes the trusted internal network..". Therefore the "Sales Offices" shown on figure 3, ref. Num "46", which is the same as the network shown on figure 2, ref. Num "46", is a region and indeed contains one or more networks. And as far as the security of the network 46 is concerned, it has the same level of security as that of Secure server network shown on figure 2 or 3, ref. Num "42". This fact is indicated by Flint reference on column 3, lines 44-45, as "Sales Office and Secure 'DMZ' are within slightly less trusted/protected regions." This implies that fact since network 42 is secure network/protected network, the region/network 46 which has the same level of security as that of network 42, should also be a secure network/protected network.

Applicant second argument is regarding the examiner's assertion that the network 46 is a secure/protected network within the Internet 36. Applicant argued that such rejection is made based on the assumption and whether or not this assumption is valid -assumptions cannot form a basis for a 35 USC 102 rejection and therefore, applicants believe that the rejection of applicants' is improper.

Examiner disagrees and points out that there is no assumption made, the only thing which has been done is explaining the features that are inherently contained in a VPN and this fact is undisputable, therefore can definitely be used in a 35 USC 102 anticipation /rejection. Applicant argued that the assumption is not valid and wrote the following in support this argument.

"In rebuttal to the Examiner's assumption, applicants first note that the definition offered by the Examiner mentions the Internet as an example. That means that the internet is not the only environment in which VPNs may be found"

Examiner disagrees, even though, the Internet is not the only environment in which VPN may be found, under the context of the reference where there is an internet and VPN, examiners explanation is valid.

Secondly, Applicant argued and wrote the following, "It is noted that the reference itself provides a counter example. Where it describes the network of FIG. 1b (i.e., network 32 - which is the element 32 shown in FIG. 2 as well). Which Clearly does not have the structure of the Internet, is NOT described to be the Internet 36 or within the internet 36. and which teaches- the notion of regions that "let you group both physical interfaces (network cards) and Virtual Private Networks (VPNs) into areas of similar trust and security needs" (col. 3, lines 16-10)."

Examiner disagrees with this argument, Examiner first of all, points out that network 32 is not assumed to be an internet in the rejection. Thus the reference does not provides a counter example.

Thirdly, Applicant argued and wrote the following, "note that the firewall found in FIG. 2, network 44 that is found in FIG. 2, and the secure server network 42 that is connected to network 44. are the very same elements that are found in FIG 1B, which indicate that FIG. 2 is merely an extension, or expansion of FIG. 1b."

Examiner disagrees with the above argument and would point out that though it is correct that figure 2 is an extension figure 1B, Figure 3 is also an extension of figure 2 and figure 3 in combination to figure 2 supports the claim rejection made.

Fourthly, applicant argued that, there is nothing to explain the multiple lines that interconnects the firewall 34 to network 46.

Examiner response would be even though the interconnection is not explained in the disclosure in so many words, the VPN as used by the reference inherently includes all the features supporting the examiner's rejection.

And applicant argued that, the reference does not compel the assumption that network 46 is a part of the Internet 36.

Examiner disagrees with the above argument,

Examiner asserts that the fourth network which shown on figure 2, ref. Num "46" and shown on figure 3, ref. Num "46" is connected to "VPN" shown on figure 2, ref. Num "45" and VPN/"virtual private network", according to the definition given by the Microsoft Computer Dictionary 5th edition is "Node on a public network such as internet that communicate among themselves using encryption technology so that their message are safe from being intercepted and understood by unauthorized users as if the nodes were connected by private"

On the top of that, It is clear for one of ordinary skill in the art that (Virtual Private Network) which refers to a network in which some of the parts are connected using the public Internet, but the data sent across the Internet is encrypted, so the entire network is "virtually" private. A typical example would be a company network where there are two offices in different cities. Using the Internet the two offices merge their networks into one network, but encrypt traffic that uses the Internet link.

Therefore, the a logical interface to a fourth network, via said third network which is untrusted network/internet in inherently included to the fourth network shown on figure 2, ref. Num "46" since it is directly connected to the virtual private network/VPN, which by itself inherently includes via untrusted network/internet.

The fourth network shown on figure 2, ref. Num "46", is directly connected to the virtual private network/VPN, which by itself inherently includes via untrusted network/internet. If the protected network had not been communicated with the gateway shown on figure 2, ref. "34" via an untrusted network, then there would not have been a need to use VPN in the first place. Thus the protected network shown on figure 2, ref. Num "46" is indeed communicate with the gateway via an untrusted network using a Virtual private network.

Applicant next argument made was regarding the dependent claim 14 and applicant wrote the following, "Even if claim 1 were not patentable-applicant believed that claim 14 would be patentable.

Even though, the Examiner would possibly consider the argument made to claim 14 persuasive, Claim 14 and other similar claims like 22,38 and 55 have not yet been included and written/added to the respective independent claims, to make the case allowable.

Applicant's very last argument is regarding the dependent claims.

Applicant lastly, argued that the since the independent claims are patentable therefore all the claims dependent thereon are also in condition for allowance for the same reasons argued for the independent claims .

In response to the above argument by the applicant, the examiner reply discussed to the independent claims mentioned above is also valid towards this argument.

Therefore the rejection remains valid unless the independent claims are amended to include features that overcomes the rejection without introducing new matters.